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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,219	03/01/2005	Erez Schwartz	049735-001000	6876
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NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER RENWICK, REGINALD A	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 03/23/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,219

Applicant(s)

SCHWARTZ, EREZ

Examiner

REGINALD A. RENWICK

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-10, 13, 18-27 rejected under 35 U.S.C. 102(b) as being anticipated by Gorbet (U.S. Patent No. 5,941,714).

Re claim 1: Gorbet discloses a planar card having three or more sides (Fig. 7, object 725; column 3, lines 35-36);

controller means in the planar card (Title; column 4, lines 36-38);

one or more communication means in the planar card and coupled to the controller means, wherein the communication means (connectors, 130) further include means for allowing communications between adjacent cards when two cards are placed close to each other, with one side of each card opposite a side of the other card (column 2, lines 18-29; column 3, lines 1-3); and
user input means coupled to the controller means (column 4, lines 39-47).

Re claim 2: Gorbet further discloses that the card is shaped so as to allow stacking cards in a bi-directional pattern in both the x and y direction (Fig. 6).

Re claim 3: Gorbet further discloses that the card is shaped as a planar triangle (column 2, lines 9-15).

Re claim 5: Gorbet discloses that the user input means include push buttons, a keyboard or keypad or a combination thereof (column 8, lines 37-41).

Re claim 6: Gorbet discloses that the card includes a user output means (column 4, lines 39-46).

Re claim 7: Gorbet discloses that the user output means include sound generating means (column 4, lines 39-46).

Re claim 8: Gorbet also discloses the sound generating means includes a loudspeaker (column 4, lines 39-46).

Re claim 9: Gorbet discloses that the user output means include Light Emitting Diodes (LEDs) (column 4, lines 39-46).

Re claim 10: Gorbet discloses an electronic card game comprising: a plurality of cards located on a bi-directional pattern adjacent to each other, wherein each card includes a controller and one or more communication devices and wherein one of the cards in a

master card (column 8, lines 28-36) operable to communicate with each card and to activate an output of each card according to rules of the games stored therein (column 10, lines 23-27), and the rest of the cards are slave cards each having a personality code (column 8, lines 43-47; column 9, lines 1-11).

Re claim 13: Gorbet discloses that each slave is assigned a unique personality code wherein the personality code is the height value of each slave piece (column 4, lines 38; column 8, lines 42-65).

Re claim 18: Gorbet discloses that the master card further comprises a power source and interconnection to transfer power to the slave cards (column 3, lines 6-10; column 5, lines 47-50; column 8, lines 31-36).

Re claim 19: Gorbet discloses that the master card further comprises connector to a personal computer (column 3, lines 19-22).

Re claim 20: Gorbet discloses that the master card further comprises installable memory device (column 5, lines 59-67; column 6, lines 1-9).

Re claim 21: Gorbet discloses that the means for allowing communications between adjacent cards includes means for allowing power transfer between adjacent cards and means for allowing data transfer between adjacent cards (column 3, lines 6-10; column

5, lines 30-36).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gobbert in view of Stout (US PGPUB 2005/0093232).

Re claims 11 and 12: Gobbert discloses a slave card that contains connecting means for reading a code from the attached card. Gobbert fails to disclose that the slave discloses comprises of a generic base, a detachable thin cover card and means for detachable thin cover card code. However, Stout discloses that a puzzle piece card similar to that of Gobbert contains two separate layers removable from one another that each contain a picture depiction (0049), and in addition one puzzle piece layer contains memory which stores memory of a specific description of the puzzle piece (0052; 0054) and this layer of the puzzle piece is interpreted as the thin cover card and the second layer as the base. Furthermore Stout discloses that a button is attached to the card and the memory unit that allows sound and a visual to be outputted (0054). It would have been obvious to one skilled in the art to construct the puzzle piece of Gobbert using two

layers as is taught by Stout for the purpose of encasing the inner circuitry of the puzzle piece.

Claim Rejections - 35 USC § 103

5. Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbett in view of Kompanik (EP 1473067).

Re claim 22: Gorbett discloses an electronic card game having a plurality of cards connected to a respective cards, the plurality of bases electrically connected to a master controller, a method for operating the electronic card game, the plurality of bases wherein the master controller is a computer (column 5, lines 5—67; column 8, lines 31-36; column 9, lines 11-16, 44-51). Although, Gorbett discloses a plurality of cards that are connected to one another, Gorbett fails to disclose a plurality of bases that are electrically connected to one another. Therefore attention must be directed towards Kompanik which discloses a puzzle piece that contains a base member and a top member which are electrically connected to one another, and together are electrically connected to other bases. (0021, 0025, 0026). It would have been obvious to one skilled in the art to modify the structure of the puzzle piece of Gorbett with the structure of Kompanik in order to protect the inner circuitry of the base structure.

Re claim 23: Gorbet and Kompanik in combination discloses receiving a user input at one of the plurality of bases, the base communicating the user input to the master controller wherein the user input is the connecting of an additional card to the original card (Gorbet: column 9, lines 1-4, 11-16; 22-35; column 10, lines 18-20); processing the user input at the master controller based on at least one rule stored at the master controller to determine a result (Gorbet: column 10, lines 3-23; column 11, lines 36-43) wherein the result is a completed frog picture; and providing an indicator at least the one of the plurality of bases in response to the result (Gorbet: column 10, lines 3-23; column 11, lines 36-43) in which the indicator is an emitted frog's call from the speaker.

Re claim 24: Gorbet and Kompanik in combination discloses reading an identification code on a surface of each of the plurality of cards within a corresponding identification reader on each of the respective plurality of bases wherein the identification readers are unique processor identifiers (Gorbet: column 7, lines 53-55). Furthermore, identification information is distributed by each puzzle card to be read by a neighboring puzzle card wherein it is inherent that the identification information is stored on the memory of the puzzle card in which the memory is located on an inner surface of the puzzle card (Gorbet: column 7, lines 54-65). Simply without the identification information stored within the puzzle card, then the puzzle piece would have no identification information to send.

Re claim 25: Gorbet and Kompanik in combination discloses receiving at the master controller identification data from the plurality of bases through the plurality of cards (Gorbet: column 3, lines 1-10; column 8, lines 42-65; column 9 lines 11-15, column 11, lines 36-43; claim 28).

Re claim 26: Gorbet and Kompanik in combination discloses that the power is supplied directly from the master controller and at least one of the plurality of bases, and power is supplied indirectly from the master controller and at least one of the plurality of bases (Gorbet: Fig.6; column 3, lines 6-10; column 8, lines 31-36), and wherein data is exchanged directly between the master controller and the at least one of the plurality of bases (Gorbet: Fig. 6; column 3, lines 3-10; column 7, lines 62-65; column 8, lines 31-34; claim 11, lines 36-43;) and data is exchanged indirectly between the master controller and the at least one of the plurality of bases and data is exchanged indirectly between the master controller and the at least one of the plurality of bases (Gorbet: column 5, lines 3-8; column 7, lines 53-65; claim 22).

Re claim 27: Gorbet and Kompanik in combination discloses that the puzzle piece system comprises processing the identification data from the card at the master controller (Gorbet: column 3, lines 1-10; column 8, lines 42-65; column 9, lines 11-16; column 11, lines 36-43; claim 28).

6. Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbet in view of Kompanik in further view of Stout.

Re claim 28-31: Gorbet in combination with Kompanik fails to disclose the limitations of claims 28-31. However, Stout discloses that a button is attached to the card and the memory unit that allows sound and a visual to be outputted (0054). It would have been obvious to one skilled in the art to modify the puzzle piece of Gorbett with the button actuation of multimedia components as taught by Stout for the purpose of adding excitement to the puzzle game and the puzzle piece itself.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3 and 5-31 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant has heavily amended independent claim 1, to overcome the previous rejection that requires a new search and new art to be provided. Specifically the new limitation incorporating a "controller means in the planar card" overcomes the previous art of Faber wherein the controller was placed outside of the planar card.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD A. RENWICK whose telephone number is (571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry. Suhol/
Supervisory Patent Examiner, Art
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3/20/2009
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